

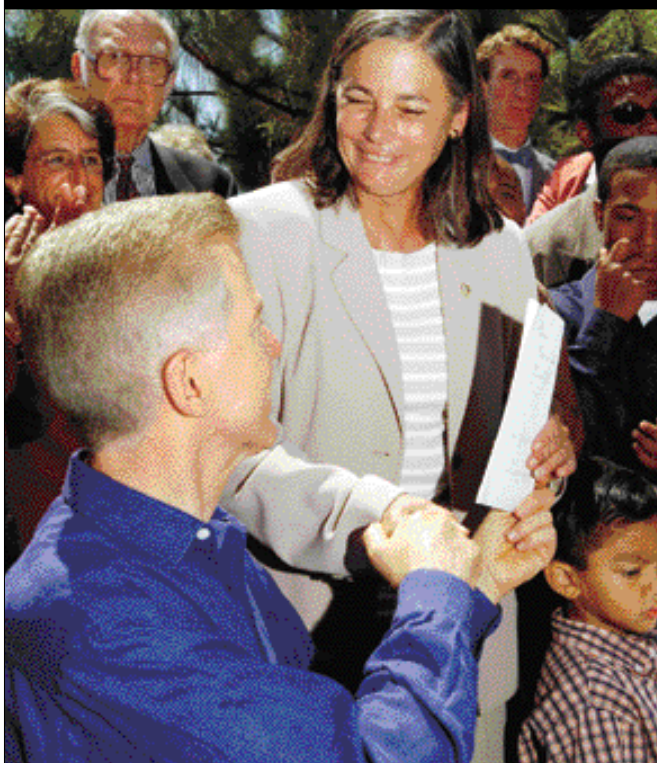
Environment & Climate News

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The Monthly Newspaper For Common-Sense Environmentalists

Vol. 5 No. 8 - September 2002

CARJACKING CHOICE? SEE PAGE 17



California Gov. Gray Davis (left) gives Assemblywoman Fran Pavley (D-Agoura Hills) a copy of Assembly Bill 1493 after signing it in Griffith Park on July 22, 2002 in Los Angeles. Opponents of the measure, authored by Pavley, say backroom political maneuvering passed the bill without public comment. photo/David McNew/Getty Images

California tries to circumvent federal CAFE

Legislature invites lawsuit over backdoor maneuver; car owners will suffer

BY JAMES M. TAYLOR

Governor Gray Davis on July 22 signed a controversial bill empowering the California Air Resources Board (CARB) to set mandatory carbon dioxide (CO₂) reductions for California automobiles. Just recently given up for dead after public opposition to a similar bill, carbon dioxide curbs were resuscitated in a flurry of backroom political maneuvering that had proponents of consumer choice crying foul.

Unpopular bill reborn as a chameleon

Carbon dioxide emissions were initially proposed in Assembly Bill 1058. California consumers were at first receptive to the vague imperative to require auto manufacturers to produce cars that do not contribute to global warming.

However, public debate over the bill brought to light important details about its likely consequences: future spikes in car costs, decreased

CALIFORNIA continued on page 16

Wind farms no boon for Dakotans

BY GLENN SCHLEEDE

Global Winds Harvest Inc. and UPC Wind Partners, LLC announced in April a joint effort to install wind turbines with a total capacity of 480 megawatts (MW) in Dickey County, North Dakota and McPherson County, South Dakota. While the partners tout the project as an economic development boon, the economics of the proposal in fact leave much to be desired.

Doing the math

The developers' press release calls wind a "second crop," as farmers would be paid for host-

ing the huge windmills on their land (and, presumably, for substations, cable, road, access, noise, and construction easements). The press release does not specify how much revenue each windmill would bring to a farmer, but other wind farm developments have made offers as high as \$5,000 or even \$10,000 per MW of turbine capacity.

That may appear to be good money, and easy money at that. But there's far more to wind farm economics than meets the eye:

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Incentives, not fuels, are endangering forests

BY RANDAL O'TOOLE

By now, practically everyone in the U.S. has heard the story about forest fires: that the Forest Service has been suppressing fires for 90 years, leading to a massive build-up of fuels just ready to explode. That's why we've seen so many severe fires in recent years, and why Congress had to give the Forest Service and Department

of the Interior nearly \$3 billion last year to put out fires and address the fuels build-up.

Everyone believes this to be true. I believed it too. But when I sought facts to confirm the story, I couldn't find them. All the data I found indicate fires today are no worse than would be

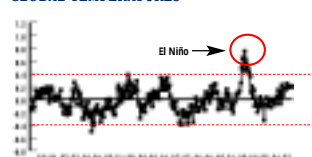
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Is this global warming?

GLOBAL TEMPERATURES



Each month, Earth Track updates the global averaged monthly satellite measurements of the Earth's temperature. See page 4

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Jeffords pushes mandatory national recycling plan

BY JAMES M. TAYLOR

Get ready to start separating, washing, and storing aluminum cans, if Senator Jim Jeffords (I-Vermont) has his way.

Unhappy that only half of all cans purchased in America are recycled, Jeffords is pushing a bill that would force citizens to pay a 10-cent deposit for every aluminum can they purchase.

No economic sense

A decade ago, recycling peaked when Americans returned roughly 60 to 65 percent of their aluminum beverage cans. At the time, many states had mandatory recycling programs, usually requiring a five-cent deposit per can.

Since the early 1990s, however, the number of mandatory recycling programs has fallen as people got fed up with all the washing, storing, and returning of soda, juice, and beer cans—not to mention the pests that such cans attracted while sitting in household storage. When experience proved the bothersome programs made little economic sense, many were scrapped.

"There is no good reason why this nation is not doing a better job of recycling its cans and bottles," lectured Jeffords in defense of his bill.

Jerry Taylor, director of natural resource studies at the Cato Institute, disagrees. "When recycling makes economic sense, government doesn't have to mandate it or subsidize it. Somebody in the private sector will be happy to pay you for your garbage or, alternatively, charge you less for recycling services than for landfilling services."

"Some of [the people] say it's just not worth it anymore," agreed Ford Schumann, who operates a small recycling business in Chestertown, Maryland. Schumann noted the price of aluminum scrap has dropped from 60 cents a pound to 20 cents a pound in recent years. Additionally, he observed, today's soda cans use only half as much aluminum as they used to. Mandatory programs that made little economic sense to begin with make even less economic sense now.

Communities and states that run mandatory recycling programs do so at a deficit. Many cities and private collection companies simply discard the separated cans into their consolidated garbage. "When the price gets this low, it's an easy way to improve their bottom line," explained Schumann.

New York City offers a perfect example. Earlier this year, Mayor Michael Bloomberg announced the city would no longer collect plastic and glass. "The fact of the matter," said Bloomberg, "was that it was phenomenally expensive, and most of it ended up being dumped in a landfill anyway."

Bloomberg "was desperate to dig the city out of a \$4.8 billion deficit," explained Cato's Taylor. "In doing so, he ripped away the veil on one of the biggest boondoggles of recent times. Despite flowery promises and earnest intentions, mandatory municipal recycling programs across the United States have proven an expensive economic and environmental flop."

Voluntary recycling efforts have similarly



fallen off. As Schumann explains, people have to collect up to six times as many cans today to get the same payment they used to collect. With aluminum prices declining and today's cans being quite aluminum-efficient, there is little reason to recycle cans other than a vague notion of environmental altruism.

Environmental benefits minimal

"If the wood, sand, or various metals that we're supposedly rescuing via recycling were actually in danger of running out, they have a funny way of showing it," observed Taylor. Prices for all three have been falling, he explained, reflecting anything but a scarcity of these resources.

"Likewise baseless is the worry that we're running out of landfill space," said Taylor. "In fact, recycling is almost certainly worse for the environment than landfilling."

"After all, the process of extracting usable raw material from a manufactured product is an industrial activity every bit as involved as the process of combining various raw materials to manufacture a product. Both are energy and chemically intensive. And both create waste."

A new tax

And therein lies the impetus for Jeffords' bill. With recycling making little economic or environmental sense, and certainly less sense than it did 10 years ago, only federal intervention will stem the decline in voluntary and locally mandatory recycling programs. "Little sustains this odd brand of civic religion beyond the quasi-religious devotion of the Green faithful," noted Taylor.

Jeffords' plan would cost consumers an extra 60 cents per six-pack, \$1.20 per 12-pack, and \$2.40 per case in up-front costs to purchase beverages. Even that tax on non-recycled cans will be only partially effective, as many beverages are consumed at the park, the beach, at work, and at other locations where people do not have the time, patience, or ability to wash, store, and recycle cans.

So Jeffords has a backup plan: Beverage

"[New York Mayor Michael] Bloomberg was desperate to dig the city out of a \$4.8 billion deficit. In doing so, he ripped away the veil on one of the biggest boondoggles of recent times. Despite flowery promises and earnest intentions, mandatory municipal recycling programs across the United States have proven an expensive economic and environmental flop."

JERRY TAYLOR
CATO INSTITUTE

companies that cannot certify consumers recycle at least 80 percent of their cans will pay fines to the federal government. That will almost certainly cost beverage companies billions of dollars above and beyond the sales revenue they are likely to lose when consumers cut back on purchases. America has never recycled more than 65 percent of its cans, even when mandatory recycling programs were more prevalent and it made more economic sense to recycle.

Beverage companies, predictably, object to this de facto new tax on their products. "We have a fundamental problem understanding why there's always this focus on beverage containers," said Drew Davis, vice president for federal affairs at the National Soft Drink Association. "Why not focus on paper or yard waste?"

And who will pay these new taxes? You will, warned Davis, as companies in any business price their products high enough to cover their production costs.

Disappearing frogs and out-of-control fires: Must be global warming!

BY S. FRED SINGER

In the May 4 edition of the *Globe and Mail*, a leading Canadian newspaper, Alanna Mitchell reports on a research paper from the March 28 issue of the journal *Nature*. A string of authors found "a coherent pattern of ecological change" they had not predicted. (Imagine that!) That pattern, they conclude, must be caused by global warming. What else?

For example, the researchers say British frogs are disappearing because newts are breeding earlier, meaning "frog spawn becomes newt lunch." Mitchell asks: Does it matter? Maybe British newt ponds can go on for decades with fewer and fewer

ecologies will crash, he fears, just like the Larsen-B ice sheet in Antarctica. (Or maybe like the sudden eruption of a volcano? Or perhaps an earthquake?)

But never fear. There are always the modelers, eager to create new disasters on their computers.

Like ecologist Jay Malcolm of the University of Toronto. He extrapolates the *Nature* results, linearly, from 0.6°C to 5.8°C. His conclusions, published by the World Wildlife Fund (who else?): More than 80 percent of land ecosystems, including Canada's boreal forests and tundras, would suffer extinctions. He likens this total collapse to the extinctions produced by an asteroid impact 65 million years ago. "We've now elevated ourselves to the role of asteroids," Malcolm declares dramatically.

What will survive this apocalypse? "Cockroaches, crabgrass, and maybe humans," he says. "As for the rest, it's a big question mark."

All of this in a respected newspaper. It's giving science, especially ecological modeling, a bad name. Should we just laugh it off ... or should we cry?

Holy smoke!

We've been waiting—and it hasn't taken long—for someone to say our recent wildfire epidemic is the result of global warming. Bob Herbert of the *New York Times* obliged us on June 24:

"Enormous wildfires have been raging in bone-dry regions of the West and Southwest ... In Colorado, which is enduring its worst drought in decades ... the long drought and continued hot

weather provided the conditions that enabled this [fire] to explode into an unprecedented conflagration ... 'Can you say global warming?'"

Sure. We'll even help Bob along with a little quantitative analysis, something that appeared to be missing from his column.

As loyal readers realize, the manifestation of global warming so far appears to be in the coldest months of the year in the coldest places on the planet. So how about this headline: *Economic Depression Stopped by Global Warming*.

That kind of effect-and-cause headline is precisely what we see whenever climate change is purportedly found to be responsible for some calamity or another. So why not be just as blatant when some beneficial effect can be linked to human-induced global warming?

Last winter, the U.S. economy was heading for an all-out depression, but it didn't happen. *Because of global warming*.

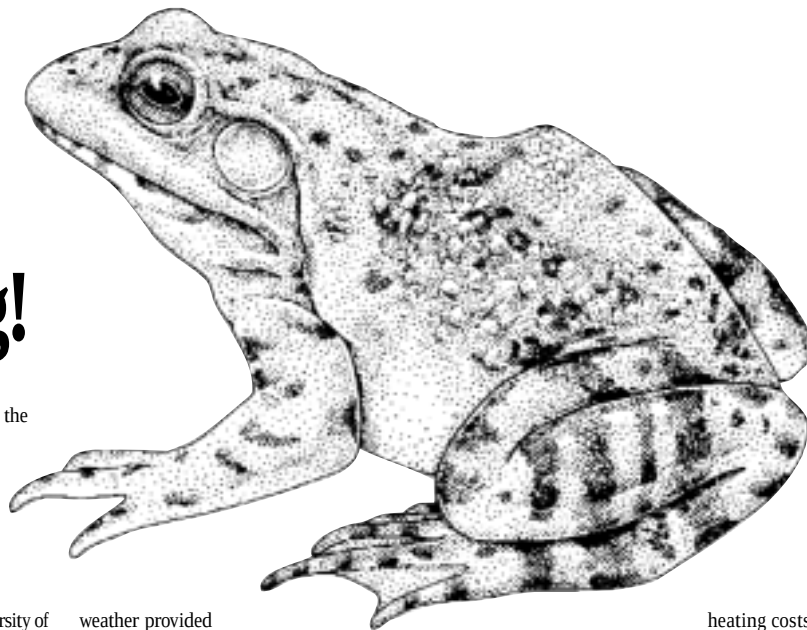
According to an analysis conducted by Stanley Changnon, dean of American climatologists, and his son David, a professor at Northern Illinois University, the warm and relatively snow-free winter of 2001-2002 saved U.S. consumers about \$21 billion. Reduced

heating costs alone generated an extra \$7 billion in disposable income. Natural gas prices fell, owing to the reduced demand. Nearly \$1 billion was saved in snow removal costs. Housing starts were up, and in some tra-

"Last winter, the U.S. economy was heading for an all-out depression, but it didn't happen. Because of global warming."

ditionally snow-bound locales, construction continued throughout the winter, netting an extra \$2 billion for that industry. Transportation also benefited from fewer weather-related delays, and there was only one major weather-related catastrophe (a large ice storm) the entire winter.

S. Fred Singer is professor emeritus of environmental sciences at the University of Virginia and president of the Science and Environmental Policy Project. Singer's *The Week That Was* columns can be found at www.sepp.org.



"We've been waiting—and it hasn't taken long—for someone to say our recent wildfire epidemic is the result of global warming."

frogs—and then one day the pond's ecosystem simply collapses. She adds ominously: *We just don't know.*

Mitchell apparently hasn't been reading the frog stories at <http://www.sepp.org>. And when she interviewed Eric Post of Penn State University, author of the *Nature* paper, it apparently never occurred to her to ask the obvious: What about the much greater climate fluctuations in the recent past? How did frogs survive them? Instead, Mitchell reported, Post came up with the frightening thought that "ecology is non-linear." Global



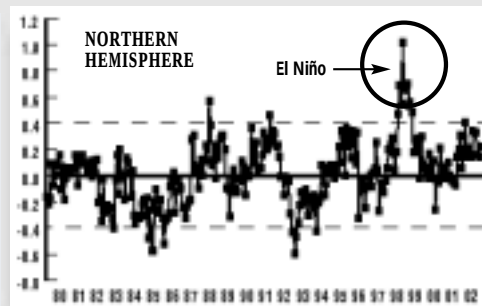
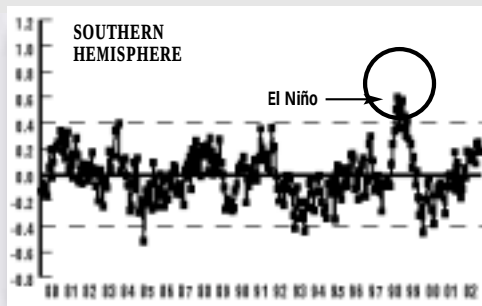
EARTH TRACK

JUNE 2002

The global average temperature for June, shown on page 1, was 0.20°C above normal. The Southern Hemisphere's temperature departure, shown below, was 0.18°C above normal; the Northern Hemisphere's, below right, was 0.22°C above normal.

Each month, Earth Track updates the global averaged monthly satellite measurements of the Earth's temperature. These numbers are important because they are real—not projections, forecasts, or guesses.

Global satellite measurements are made from a series of orbiting platforms that sense the average temperature in various atmospheric layers. Here, we present the lowest level, which climate models say should be warming. The satellite measurements are considered accurate to within 0.01°C.



The data used to create these graphs can be found on the Internet at http://vortex.nsstc.uah.edu/data/msu/t2lt/tltglhmm_5.0.

Cooking the books for a better environment

BY JERRY TAYLOR

In early July, the World Wildlife Fund issued a report warning that mankind is strip-mining the Earth so rapidly we'll be forced to colonize two additional planets by 2050 to support current trends in resource consumption.

The press, predictably, went wild, and global politicians—gearing up for the United Nations World Summit on Sustainable Development taking place in Johannesburg on August 26–September 4—intoned that the end was nigh lest we change our wicked western ways.

But a close look at the report—“Living Planet Report 2002”—suggests something else: that cooked books and fraudulent accounting are not the exclusive purview of corporate CEOs.

The WWF offers a “Living Planet Index” by which it purports to measure the health of the world's ecosystems. The index is an average of three other indexes, which purport to measure the abundance of various forestland, freshwater, and marine animal species. According to WWF, the “Living Planet Index” declined by 37 percent between 1970 and 2000.

But take a closer look: The WWF arbitrarily chose 282 species populations to represent forest ecosystem health, 195 species to represent freshwater ecosystem health, and 217 species to represent coastal ecosystem health. There are a lot more species than that. Why did they choose some species as indicators and not others? The report doesn't say.

Even worse, the report doesn't specify which

species were chosen as indicators. The opportunity for mischief immediately becomes obvious. Choose whitetail deer as an indicator and American forestlands look pretty darn healthy. Choose wolves as your species indicator and forests look like they're going to hell.

The bigger question, however, is why measure environmental health by an arbitrary selection of animal population data? There are, after all, a number of equally plausible alternatives.

We could measure the amount of the planet covered by forestland (it's increasing). We could measure trends in water pollution (it's going down). We could measure ecosystem health by plant populations (there are far more plants than animals, and plants are even more fundamental to the food chain). We could measure trends in the diversity of life within these ecosystems (it remains essentially unchanged). We could measure the availability of resources produced by these ecosystems (price data illustrate growing resource abundance, not increasing scarcity, across the board).

Finally, why exclude a discussion of something like air quality from what purports to be a “Living Planet Index”? Probably because air quality is rapidly improving throughout the world and has been doing so for as far back as the data go—an inconvenient fact if you're in the doomsday business.

The real selling point of “Living Planet Report 2002,” however, is its purported measurement of the ecological “footprint” of the human race. Our

footprint is defined as the total area of the planet used by mankind to produce food, energy, and infrastructural services. According to the WWF, “human consumption of natural resources” in 1999 “overshot the Earth's biological carrying capacity by about 20 percent.” This, of course, would be a neat trick if it were true.

“[W]hy exclude a discussion of something like air quality from what purports to be a ‘Living Planet Index’? Probably because air quality is rapidly improving throughout the world and has been doing so for as far back as the data go—an inconvenient fact if you're in the doomsday business.”

The WWF reports correctly that the amount of the planet mankind uses for growing crops, grazing animals, harvesting timber, fishing, and supporting various human infrastructure has more or less remained constant over the past 40 years (about 35 percent of the planet's surface). But the amount of land the WWF claims is used to produce energy has doubled over 40 years, twice as much as is used to feed the plan-

et's hungry masses.

But the WWF didn't simply calculate how much land is being used to produce oil, gas, and coal (which is, in fact, trivial). It calculated how much *forestland* is necessary to absorb all the carbon dioxide emitted from fossil fuels. By only the wildest stretch of the imagination can one discern a human “footprint” in wild and uninhabited forests sucking-up carbon dioxide (which, after all, is plant food). If anything, those emissions are *contributing* to forest health by fertilizing them mightily, an argument made convincingly by Sylvan Wittwer, former chairman of the National Research Council's Board on Agriculture.

It's this bogus “footprint” calculation that is used to project mankind's alleged need for two new planets by 2050.

And even if we accept the footprint calculation, projecting it into the future assumes the world's resources are fixed and finite. Mankind has proven extraordinarily capable of turning non-arable land into arable land, increasing yields from existing cropland and forests, and inventing new resources out of thin air with routine advances in science, technology, and production innovations. The declining inflation-adjusted prices of virtually all resources in the marketplace tell the real story.

There's plenty of room to argue public policy could be more environmentally sensitive. But there's no need to cook the books in order to scare mankind into joining a Green doomsday cult.

Jerry Taylor is director of natural resource studies at the Cato Institute, www.cato.org.

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Stealing land in the Atchafalaya and Immokalee

Conservation easements used in colossal government land grab

BY J. ZANE WALLEY

An American citizen whose land has been condemned by a federal agency or by any governmental entity, especially those receiving federal monies, has significant rights under the Fifth and Fourteenth Amendments of the U.S. Constitution and Public Law 91-646 (The Uniform Relocation Assistance and Real Property Acquisition Policies of 1970).

Moreover, important statutes contained in the Code of Federal Regulations and the United States Code protect citizens' property rights. These laws contain literally hundreds of safeguards that keep condemning agencies on a stringent, expensive, and protracted path.

In a highly questionable action, the U.S. Army Corps of Engineers has moved to usurp traditional private property protections in Louisiana's Atchafalaya Basin. In doing so, the Corps has made an end run around the stringent requirements of condemnation by virtue of a "conservation easement."

An end run around property rights

Citing Congressional authority (but unable to produce substantiating documents) and the threat of lawsuits from the environmental community, the Corps has forced conservation easements on the properties of an untold number of homeowners, farmers, timber producers, and sportsmen in a 338,000 acre area.

Attorney Tom Dowell, a Corps contract land appraisal agent, stood at the International Right of Way Association (IRWA) podium on June 19 in Mobile, Alabama to explain the method his team used to arrive at a "fair market value" for the involuntary conservation easements. Dowell did not refer to them as conservation easements, but rather "Flowage Development Control and

Environmental Protection Easements."

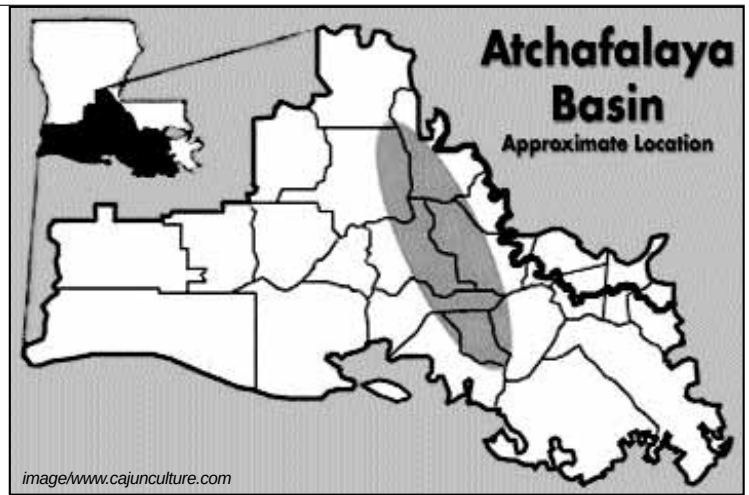
Dowell's math was interesting and certainly a delight to the Corps. Instead of having to pay the full price for land taken by outright condemnation, the Corps was able to control the encumbered land by paying a fraction of the land value.

As an illustration, Dowell used land and resources worth \$1,000 an acre. By applying a complex formula based on before and after values, he noted the Corps would have to pay landowners only \$125 an acre for the easement.

Dowell's definition of "fair market value" rapidly crumbled when a member of the audience pointed out his formula did not take into account the diminished loan value of the property. Internal Revenue Service (IRS) regulations prohibit lending institutions from lending money on property encumbered by an easement unless the lender will take a second position to the agency or organization that owns the easement. Dowell was also unfamiliar with other IRS regulations affecting easement-encumbered property. He admitted the easements were "robbing" future generations of the ability to use the land as loan collateral.

According to Corps handouts at the IRWA meeting, "flowage" easements prohibit the construction of new structures and prohibit conversion or development of land from existing uses. The easements restrict timber harvest by imposing unworkable regulations subject to activity that "promotes fish and wildlife preservation." While flowage easements allow some timber removal by the property owner, that activity is subject to prior approval by the Corps.

Property owners subjected to flowage easements retain oil, gas, and mineral rights. However, the extraction of those natural resources, along with the necessary accompanying construction,



image/www.cajunculture.com

What is a conservation easement?

"A non-possessory interest of a holder in real property that imposes limitations or affirmative obligations." —AMERICAN FARM BUREAU FEDERATION

"Right of use over the property of another." —BLACK'S LAW DICTIONARY

"Fragmentation of land title to deny future generations a full range of productive land use options." —DAVID GUERNSEY, ALLIANCE FOR AMERICA, MOBILE, ALABAMA

requires obtaining permits from the Corps.

The apparent advantage to the Corps is absolute control of the encumbered private property for pennies on the dollar. The Fifth Amendment is absolutely circumvented and the landowners stripped of civil rights and protections provided under public law.

Agencies can, and do, contend they have not employed their powers of condemnation when they use easements to take property. Thus, they avoid the necessity of complying with laws that protect property owners and relocated persons. Those laws require a costly array of services on the part of the property-taking agency: relocation assistance payments; mandatory negotiation; advisory services; litigation, moving, and related expenses; and even replacement housing. In short, condemnation by easement is cheap and fast.

Following the Corps' lead

Alarming, other agencies empowered with con-

demnation authority have been watching the Corps and learning.

Recently, Commissioners in Collier County, Florida (again under pressure from environmentalists and the threat of lawsuits) placed mandatory easements on land in the 22,600-acre Immokalee area, vastly diminishing the ability of property owners to develop their property and expand agriculture. The owners received no compensation for the drastically reduced value of their land.

Unless the practice of condemnation by conservation easement is checked, property rights nationwide will be destroyed. It will render mute the solemn words of the Fifth Amendment: "nor shall private property be taken for public use without just compensation."

J. Zane Walley is an editor for the Paragon Foundation News Service.

ACTIVIST UPDATE

BY CHUCK CUSHMAN

The U.S. House of Representatives considered the Interior Department appropriations bill in July, and advocates for access to public lands and private property rights won important victories.

Big wins for Wise Use and property rights

Snowmobiles amendment. Reps. Rush Holt (D-New Jersey) and Chris Shays (R-Connecticut) intended to offer an amendment to prohibit snowmobile use in Yellowstone National Park.

Seeing they were going to lose the vote by a large margin, they pulled the amendment from consideration. The no vote meant victory for public access.

Roadless amendment. Rep. Jay Inslee (D-Washington) intended to offer an amendment to "codify" or make into permanent law, the Clinton administration's roadless regula-

tions, which would severely limit access to public lands and private inholdings. A wave of opposition surfaced from recreationists, concerned citizens, and labor unions. When it was clear the amendment would be defeated, Inslee pulled the amendment off the floor.

Klamath Basin anti-farmer amendment. Reps. Earl Blumenauer (D-Oregon) and Mike Thompson (D-California) called for a vote on an amendment to end the farm leasing program in the Klamath refuge. The leasing program has benefitted both farmers and wildlife by producing food for people and habitat for migrating birds. Anti-farming interests who believe mankind is the enemy sought an end to such efforts, where people work with the environment.

This amendment would have ended the leasing program gradually. At first, it would have affected only 17 families. Supporters of the amendment figured they could easily crush such a small number of people.

They were wrong. Thanks to Reps. Wally Herger (R-California) and Greg Walden (R-Oregon), and grassroots activists all over the country, the amendment was defeated by a narrow vote of 201 in favor to 223 against. Credit for the victory also goes to Reps. Nethercutt, Hastings, and Doolittle, who also spoke effectively against it.

Federal land grabs. The Wildlands Project is a plan to—no joke here, this is completely serious—depopulate up to 70 percent of the land area of the United States and turn it into

Losing our heritage, our land

BY TOM DEWEESE

Congress is gearing up to vote on a very dangerous bill.

The National Heritage Areas Act (HR 2388), sponsored by Reps. Joel Hefley (R-Colorado) and Nick Rahall (D-West Virginia), would do for land grabs what the assembly line did for automobiles. Private property would go the way of the horse and buggy.

The Heritage Areas Act proposes to extend federal control over local land use in exchange for federal grant money to local communities. Politicians see it as a pork barrel spending program to benefit their districts. However, with the federal money comes federal land use requirements, duplicity, and land seizure, as is happening already in several counties in West Virginia Heritage Areas.

Landowners are not notified when their property comes within the boundaries of a Heritage Area. Property owners simply find out when they try to get a road fixed, install a swimming pool, re-gravel their driveway, or repair their fences.

HR 2388 is touted as a program helping local communities encourage economic development and tourism. However, communities are in for a rude surprise, because the words "economic development" and "tourism" never appear in the Heritage Areas Act.

Consider Hinton, West Virginia

For the benefit of a "National Heritage Area," the National Park Service hides its intentions from local landowners, uses them to gain funding, and then dumps them when it no longer needs them. Residents of Hinton, West Virginia learned that the hard way.

The people of Hinton wanted funds to repair a local road. They lobbied their legislators for several years, and finally the federal funding came through.

At that point, the National Park Service stepped in. Because the local road was in a Heritage Area, Park Service officials announced, the money would be used to create a Scenic Parkway. The Scenic Parkway called for condemning dozens of properties, forcing peo-

"The National Heritage Areas Act ... would do for land grabs what the assembly line did for automobiles."

ple out of their homes ... the very same people who lobbied for the road repairs in the first place.

HR 2388 would create more "Heritage Areas" controlled by the National Park Service—the same federal government agency that allows forest fires to run wild, condemns private property whenever possible, and identifies huge tracts as endangered species habitat so it can eliminate commercial and recreational use of public lands, prohibiting everything from off-road vehicles to mining and logging.

"The National Park Service also has a five billion dollar maintenance backlog. ... It plainly cannot handle the empire it already controls ... yet wants more."

The National Park Service also has a five billion dollar maintenance backlog. It is behind on everything from patching potholes in roads to fixing overflowing sewer systems fouling the rivers. It plainly cannot handle the empire it already controls ... yet wants more.

HR 2388 is federal land-use zoning at its worst. It establishes a

"The Interior Department budget did, of course, end up with tens of millions of dollars for more land acquisition and more grants to anti-private property environmental groups. But on many important issues, grassroots activists from all across the country won out, and we should celebrate our victories."

National Park Service (NPS), July was a good month. The Interior bill was stripped of language that would have allowed the NPS to seize the private property of several hundred families ... and pay them less than 10 percent of their land's value in return.

The bill was also stripped of a provision to give the NPS an equal say with the Corps in how the massive, multibillion dollar Everglades "restoration" project was to be managed. The NPS suffers from a five billion dollar mainte-

nance backlog on its existing properties ... yet it continues to attempt to expand its empire.

There was no vote, because both provisions were stripped out of the bill. Thanks to Rep. Jim Hansen (R-Utah), who raised the first point of order defeating the provisions, and to Rep. Don Young (R-Alaska), who raised the second point stripping the anti-private property language.

Kudos to the Western Caucus. Thanks also go to the Congressional Western Caucus and

FOR MORE INFORMATION

WWW More on the Heritage Areas controversy in Hinton, West Virginia can be found on the Internet at <http://www.newriverfriends.org>.

More information on HR 2388 is available at the Thomas Web site at <http://thomas.loc.gov/cgi-bin/bdquery/z?d107:h.r.02388>.

program to be run by the notoriously anti-property-owner Park Service, which is permitted under the measure to take actions without informing landowners ... who will discover what's happened only after it's too late for them to respond. Though touted as a boon for local economic development and tourism, it threatens far more economic harm than good.

The Heritage Areas Act was passed by the House Resources Committee in May 2002. It will likely be presented for a vote before the entire House, and then the Senate, later this year. There is no time to lose in letting your Congressmen know you oppose it.

Tom DeWeese is publisher/editor of The DeWeese Report and president of the American Policy Center in Warrenton, Virginia. The Center maintains an Internet site at www.americanpolicy.org.

wilderness. This master plan of the environmental movement's most extreme elements was dealt a severe blow in July.

Interior Budget Director Lynn Scarlett and Interior Secretary Gale Norton proposed to create something called the Cooperative Conservation Initiative (CCI), fund it at \$50 million, and hand over the money to distribute to environmental interests. You know the story—"discover" an endangered species, then give the landowner an "offer he can't refuse" involving severe restrictions on his use of property.

However, the CCI proposal has been zeroed out in both the House and Senate versions of the Interior Department budget. It has virtually no chance of becoming law. Another victory for property rights.

More land grabs. For landowners in South Florida fighting against the combined power of the U.S. Army Corps of Engineers and the

its chairman, Rep. Richard Pombo (R-California). Pombo and his Western Caucus members and allies were vitally important in rounding up votes for all of these important victories.

The Interior Department budget did, of course, end up with tens of millions of dollars for more land acquisition and more grants to anti-private property environmental groups. But on many important issues, grassroots activists from all across the country won out, and we should celebrate our victories.

Congratulations!

Chuck Cushman is founder and executive director of the American Land Rights Association. More information on these victories and more can be found at the ALRA's Web site at <http://www.landrights.org>.

NSR rules must provide certainty

BY JEFFREY MARKS

When Detroit Edison proposed replacing worn turbine blades at two plants with an improved design that would increase efficiency by 4.5 percent, EPA Region V bureaucrats in May 2000 concluded doing so would not constitute "routine" maintenance.

The improved materials in the new blades would have reduced the need for future blade repair and replacement, lowered the chances of forced outages, and promoted safer, more reliable power. But EPA ruled Detroit Edison's proposal should trigger the laborious and costly New Source Review (NSR) process.

After determining that water-based inks and coatings contained substances that could poison the catalyst in its expensive thermal oxidizer, a flexible-packaging firm asked its state permitting agency if it might be allowed to run the oxidizer only when using solvent-based inks and coatings. The change, said the firm, would save approximately 15,000 cubic feet of natural gas and 650 kWh of electricity each day.

But the state agency advised that EPA would

likely view the change in the plant's "method of operation" as one triggering NSR. As you might guess, the change was never made.

Examples such as these are countless. While state agencies, industry, and even EPA itself have said for years that NSR was in desperate need of reform, improvements in industrial

er from a sector-specific recession that began a full six months before the overall economic downturn, and with congressional lawmakers still dragging their feet on a comprehensive energy policy bill, it's high time to bring certainty to NSR.

In June EPA submitted to President George W. Bush a report on NSR accompanied by recommendations for reform. Proposed reforms would be administered by EPA under the Clean Air Act and would "remove the obstacles to environmentally beneficial projects, clarify NSR requirements, encourage emissions reductions, promote pollution prevention, provide incentives for energy efficiency improvements, and help assure worker and plant safety."

"With manufacturing still struggling to recover from a sector-specific recession ... and with congressional lawmakers still dragging their feet on a comprehensive energy policy bill, it's high time to bring certainty to NSR."

designs, materials, and processes that could increase the efficiency and reliability of facilities have been stymied. Proposed changes that would significantly reduce fuel consumption, air pollutant emissions, and greenhouse gases have all been disallowed or discouraged by EPA confusion.

With manufacturing still struggling to recover

All the usual opponents of Bush administration environmental policies have come out against EPA's NSR recommendations. But it should be noted that five of the eight major reforms had been proposed by the Clinton administration in 1996 and have already undergone formal rulemaking procedures, including public notice and comment. If EPA presses forward,

those five reforms could be quickly implemented and move us immediately toward improved environmental quality and energy efficiency.

The remaining three recommended NSR reforms must yet undergo formal rulemaking. It would be a foolish mistake for members of Congress to delay this process any further simply to score political points with interest groups whose agendas are based on misinformation about NSR's environmental effects.

Air quality has improved dramatically since enactment of the Clean Air Act in 1970. But NSR permitting for existing facilities has not contributed much to that improvement. Instead, NSR's ambiguity and costly delays have frustrated business planners, while other air quality programs have had wonderfully positive impacts on emission reductions.

The 25-year-old NSR rules inhibit needed repairs and improvements. We must eliminate these regulatory roadblocks and confusing uncertainty if industry is to recover from recession and help us reach our environmental goals.

EPA's proposed reforms would help promote safer, cleaner, and more efficient power plants, refineries, and factories. Because innovation and investment are the keys to improving air quality and energy supply, the mix of final and proposed NSR rules should move us in the right direction.

Jeffrey Marks is director of air quality at the National Association of Manufacturers.

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Texas offers up big, bold transportation vision

Governor's plan can take Texas and its people to a better future

BY WENDELL COX

Vision looms large in American history. John F. Kennedy's took us to the moon. Ronald Reagan's led to the end of the Soviet Union. Dwight D. Eisenhower's produced the Interstate highway system, which has done so much to make this nation one and to fuel its unparalleled economic growth.

But in the increasingly politicized environment of America today, vision seems to have taken a long holiday. Until now.

Texas Governor Rick Perry's TransTexas Corridor plan, which would build wholly new transportation networks throughout the state, is the first serious innovative thinking in transportation in a half-century. The Corridors would be wide rights-of-ways bypassing the metropolitan areas, providing expedited travel on separated truck and automobile roadways and capacity for freight and passenger rail. Most importantly, as state governments nationwide face severe funding challenges, the corridors would largely pay for themselves.

Texas, and indeed the rest of the nation, are long overdue for the Perry vision. The state is suffering from an inability to handle growing traffic congestion. To some degree, this is due to the influence of those who erroneously claim more highways cre-

ate more traffic, on the assumption we sit around waiting for new roads to open so we can spend more time behind the wheel.

Traffic on the rise

Automobile use has increased in recent decades because populations who had less access to mobility in the past—women and minorities, for example—are improving their access. Progress is still required in auto ownership rates among minorities—which means driving will continue to increase more rapidly than population does. In a free and prosperous economy, this is as it should be.

Additional increases in traffic will be fueled by NAFTA-driven freight volumes, both by truck and rail. Under Perry's plan for Texas, the truck traffic will be diverted to innovative "truckways," separate lanes designed specifically for heavy trucks. The truckways will make the passenger vehicle lanes safer, less congested, and less stressful for regular traffic.

Freight rail traffic is expected to double or triple in the coming years. Perry's Corridor plan will prevent additional rail-induced gridlock in communities already dissected by slow-moving freight rail lines.

How to pay for the plan?

And then there is the matter of money. There simply isn't enough gas tax revenue available in Texas

to build all the roads that are needed. It is time to bury the gas tax as a source of additional highway revenues. Virtually all of the highest-priority roadway expansion needs are in and around the state's largest metropolitan areas ... but politics simply will not permit spending all of the state's gas tax revenues in just a few places.

If Texas is to make significant, long-term improvements to its transportation network,

"Texas Governor Rick Perry's TransTexas Corridor plan ... is the first serious innovative thinking in transportation in a half-century."

the state must adopt user-pay mechanisms, as Perry is proposing. Infrastructure companies will submit proposals to build corridors across the state and around the cities using tolls and rail access fees. Although large cost estimates are being tossed around, very little of the funding will come from the public treasury.

Perry's plan is not without risk. Around the world are examples of both success and failure in infrastructure development. The Channel Tunnel (connecting England with the European continent) and new Denmark bridges, for exam-

ple, are self-financing, requiring little or no government assistance. By contrast, high-speed rail projects in both Florida and Texas, advertised as self-financing, were abandoned after the firms reneged on their promises and sought significant government subsidies.

It will be important for Texans to distinguish carefully between serious infrastructure players who are prepared to take risks, and firms that have so often played "bait-and-switch" with taxpayer money. The TransTexas Corridor plan will need strong safeguards to ensure commitments are kept.

Legitimate concerns have also been raised about the viability of the passenger rail portions of the plan. Questioners would do well to remember the Perry plan is self-financing. If a private firm can figure out how to make money and provide passenger rail service, more power to it. The key, again, is to make sure the public vault is securely locked.

Governor Perry has articulated a vision that can transport Texas and its people to a better future. Skilled administration by the governor, legislature, and Texas Department of Transportation will help propel the state to economic preeminence and a higher standard of living for all. Other governors are likely to soon follow his lead.

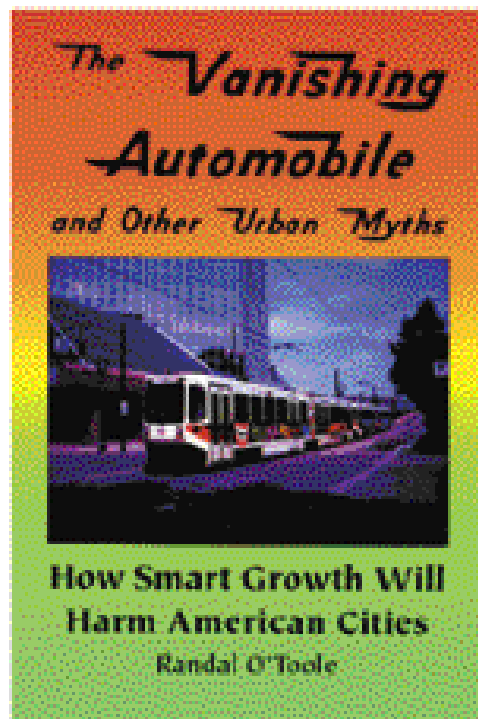
Wendell Cox is a senior fellow for The Heartland Institute, senior research fellow for the Texas Public Policy Foundation, a visiting fellow of The Heritage Foundation, and a visiting professor at the Conservatoire des Arts et Metiers in Paris.

Freedom's Answer to so-called Smart Growth

Smart growth aims to destroy the American Dream of homeownership and mobility. Its advocates believe Americans should ride mass transit instead of drive cars and live in high-density apartments instead of low-density suburbs. To achieve these goals, smart-growth planners deliberately increase traffic congestion and make housing unaffordable.

*The Vanishing Automobile and Other Urban Myths dispels smart-growth fantasies and presents free-market solutions to urban problems. The American Planning Association says *The Vanishing Auto* is "compelling and well documented" and "marshals a formidable array of facts" to "laminate planners' attempts to limit personal freedom."*

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The Vanishing Automobile is written by Randal O'Toole, senior economist with the Thoreau Institute, adjunct scholar with the Cato Institute, and frequent contributor to *Environment & Climate News*.

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Forest Service still spinning the Thirty Mile Fire

New memorial blames campfire, weather; makes no mention of water delay



KAREN FITZPATRICK



TOM CRAVEN



JESSICA JOHNSON



DEVIN WEAVER

"One of the things we're having trouble with is, the Forest Service is making those kids look like heroes. Their lives were taken from them. They were not out there trying to save somebody's life. They were led down a dead-end road and sat there to do nothing—that's the story."

BARBARA WEAVER

MOTHER OF SLAIN FIREFIGHTER DEVIN WEAVER

BY JAMES M. TAYLOR

A year after last July's deadly Thirty Mile Fire, the U.S. Forest Service's public relations spin continues.

On July 10, 2001, an elite firefighting crew had initially brought the fire under control and was awaiting the arrival of a promised water-delivery helicopter to put a final conclusion to the flames. At 9 a.m. the team yielded the scene to a green "mop-up" crew of approximately 20 young firefighters. With the fire under control and the final water delivery due within the hour, the situation was deemed safe for the relatively inexperienced crew.

However, the helicopter was delayed several hours while Forest Service officials debated the environmental ramifications of scooping water from the nearby Chewuch River. The river is home to endangered salmon and trout, and Forest Service officials feared scooping river water might accidentally scoop some fish as well. Forest Service officials debated using Chewuch River water until 2 p.m., when final approval was given.

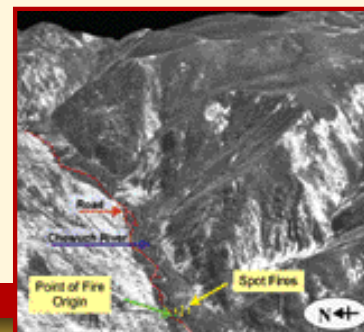
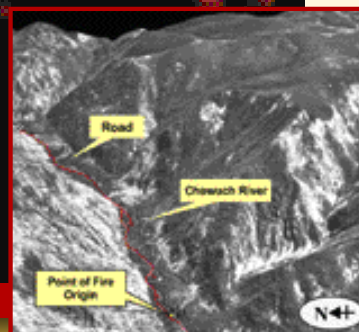
While Forest Service officials debated, the fire gained new life. The first delivery of water arrived around 3 p.m., too late to quench the rejuvenated fire. By 5:25 p.m. firefighters Tom Craven, 30, Devin Weaver, 21, Jessica Johnson, 19, and Karen Fitzpatrick, 18, had all died, seeking refuge in their fire tents, after flames cornered and then engulfed them in a narrow canyon.

On September 26, 2001, the Forest Service issued a report blaming almost everyone and everything, including the firefighters themselves, for their tragic deaths. Just about the only thing exonerated by the Service was the Endangered Species Act and Forest Service procedures to debate the Act before taking water from rivers.

New memorial keeps spinning

And now the spin continues.

The Forest Service is unveiling a memorial at the site of the Thirty Mile Fire. According to the Forest Service spin, as permanently etched in stone at the site of the memorial, here is what happened:



ANATOMY OF THE THIRTY MILE FIRE

INCENTIVES continued from page 1

expected considering recent droughts. This suggests the billions of dollars Congress is spending on fire are mostly wasted. Worse, if past experience is any indicator, this spending will have serious unintended consequences for the future of forest ecosystems.

Recent fires fairly typical

I first looked at the acres burned. Wildland fires burned more acres in 2000 than in any of the previous 40 years. But the average of the last

five years, 4.7 million acres per year, is only slightly more than the 4.6 million acres burned per year in the early 1960s. Since 1960, the five-year average of acres burned has fluctuated between 2.7 and 5.3 million acres depending on the drought cycle.

I became even more suspicious when I looked at firefighter safety. The number of firefighters killed has grown from an average of eight per year in the 1950s to 17 per year in the 1990s. At first glance, this suggests fires have grown more dangerous.

Not so. The number of firefighters who died

from fires has fallen, from 6.5 a year in the 1950s to 5.5 a year in the 1990s. But the number who died in aircraft and motor vehicle accidents increased dramatically, from 1 per year in the 1950s to 6 per year in the 1990s, suggesting the Forest Service is making a lot more use of such vehicles. Health problems, mainly heart attacks and strokes, caused most of the remaining deaths: one-half per year in the 1950s, growing to 5 per year in the 1990s. That suggests an aging Forest Service workforce, not fuel accumulation.

Data on the cost of fire suppression also fail

to support the fuels theory. By all accounts, the cost of suppressing fires is growing dramatically. Since 1994, we have experienced five of the six most expensive fire years in history. But Forest Service economists who took up this issue in 1999 attributed virtually all of the increased cost to inflation. Despite record fire costs in 1994, and a near-record in 1996, they found "no statistically significant trend" after adjusting for inflation.

Of course, 1999 was another expensive fire year, and 2000 proved another record breaker. But the high costs of fire suppression in those

Forest Service says “no” to American flag

AS IF ATTACKS ON THE PLEDGE OF ALLEGIANCE WEREN'T ENOUGH, the federal government in July turned its attention to the American flag.

Debbie Gaynor, a recreation forester for the U.S. Forest Service, ordered Army veteran and retired police officer David Knickerbocker to take down an American flag he was flying at his cabin in the Eldorado National Forest.

“Flagpoles are not authorized for recreation residences and must be removed,” stated Gaynor in a letter to Knickerbocker.

“I feel it is times like these our country needs to be show-

ing our unity and patriotism, not promoting ill-thought decisions which prohibit flagpoles on United States soil,” said Knickerbocker. “My flagpole has been up for more than 23 years, and like many in our cabin tract I am a patriotic American who has a flagpole.”

The federal government has leased land in the Eldorado National Forest to private individuals for nearly a century. Recreationists were given the right to build cabins on quarter-acre to half-acre lots for an annual fee. Knickerbocker had never before been ordered to take down his American flag.

Representative Richard Pombo (R-California) protested the

Forest Service's ban against flying the American flag in his state.

“At a time when wildfires are burning up much of the West, and Americans throughout the country face terrorist threats, it would seem to me that USDA Forest Service employees would have better things to do than to tell our citizens not to use flagpoles,” said Pombo in a letter to Forest Service Chief Dale Bosworth.

In a postscript to the letter, Pombo asked whether Knickerbocker would “be arrested for saying the Pledge of Allegiance on federal land.”

Apparently, Pombo's letter and press coverage regarding the incident swayed the Forest Service to retract Gaynor's order. On July 25 the Forest Service announced Knickerbocker could keep his American flag after all.

“On July 10, 2001, high temperatures, low humidity and severe drought conditions caused an abandoned cooking fire ultimately to erupt into a devastating firestorm that swept up the Chewuch River Valley, trapping 14 firefighters and two campers. Four dedicated firefighters perished in a valiant effort to battle the Thirty Mile Fire.”

No mention that the “abandoned cooking fire” was well contained for quite some time before “ultimately erupt[ing] into a devastating firestorm.” No mention of how Forest Service officials debated the fate of river fish while rookie firefighters awaited their long-promised water. No mention of how they died not fighting the fire, but trying to find refuge after their fire-quenching water was a no-show.

“The agency is spending \$32,000 to build the memorial,” observed syndicated columnist Michelle Malkin. “It is a cheap investment in bureaucratic propaganda at the expense of the dead. The truth is that the four firefighters perished because of the Forest Service's gross incompetence.”

“One of the things we're having trouble with is, the Forest Service is making those kids look like heroes,” said Barbara Weaver, mother of one of the slain firefighters. “Their lives were taken

from them. They were not out there trying to save somebody's life. They were led down a dead-end road and sat there to do nothing—that's the story.”

Added Kevin Weaver, “I don't mind them memorializing my son. The problem is half of their motive is to spin this into this heroic-

“[T]he GAO ... now reports that environmental appeals delayed a full 48 percent of the Forest Service's fire prevention projects in fiscal years 2001 and 2002.”

American, flag-waving, died-for-his-country theme, which casts the scrutiny in a completely different direction.”

Although it relentlessly hunts down and publicly imposes decades of prison time on people who start fires that destroy property, the Forest Service has refused to say what discipline will

be imposed on the bureaucrats who cost the young firefighters their lives. The Service issued a June 2002 report citing unnamed managers and commanders for ignoring several signs of danger. While stating 11 employees were recommended for disciplinary action, the report failed to name the employees, failed to state what the discipline entailed, and failed to disclose whether managers actually administered the “recommended” discipline.

GAO implicates lawsuits in recent fires

While the Forest Service was covering up its handling of Endangered Species Act concerns in the Thirty Mile Fire, a new General Accounting Office report implicated environmental activist groups for the number and severity of this year's wildfires.

Last year, activist organizations trumpeted a GAO study indicating lawsuits and other activist challenges to federal forest management programs had little to do with Forest Service backlogs in clearing brush and other fire fuels.

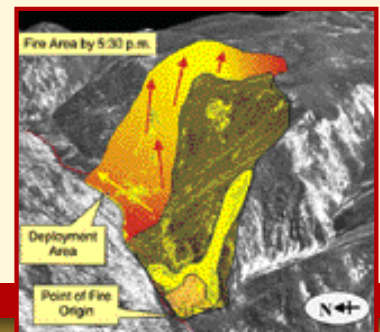
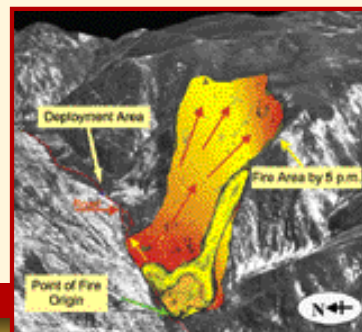
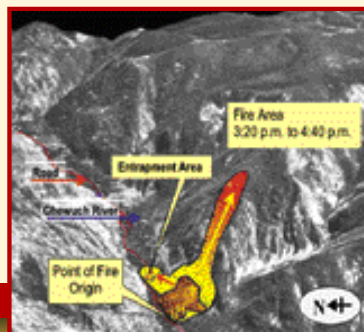
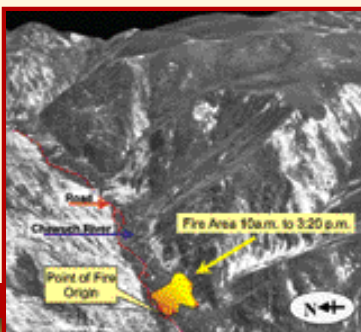
Responding to criticism from Arizona Governor Jane Dee Hull, who said activist groups had been central in obstructing the removal of fuel, Sandy Bahr of the Sierra Club brandished a copy of the GAO report and exclaimed, “It would

have been good if the governor had gotten her facts straight before spouting off.” The Sierra Club posted Bahr's quote on its Web site, and the *New York Times* cited the GAO study as proof that criticisms of the Sierra Club and other activist groups were “absurd.”

However, in a three-page letter to Congress, the GAO has made corrections to last year's study. It now reports that environmental appeals delayed a full 48 percent of the Forest Service's fire prevention projects in fiscal years 2001 and 2002.

“For those who have spent the last several weeks downplaying the impact of appeals and litigation on forest management, this report is a bucket of cold water in the face,” said Representative Scott McInnis (R-Colorado). “These numbers are a scathing indictment of the process that governs management of the nation's forests, and a harsh reminder of just how relentlessly ideological some environmental litigants have become.”

After boldly trumpeting last year's GAO study, activist groups have begun impugning the GAO's competency. “This study is about as solid as an Arthur Andersen financial statement,” protested Ted Zukoski, staff attorney for the Land and Water Fund of the Rockies.



years can be attributed to causes other than a build-up of fuels.

Between 1998 and 2000, the planet experienced the longest La Niña ever recorded. La Niña is a movement of cool water in the Pacific Ocean that leads to droughts in much of the U.S. Fire managers blamed the expense of fire suppression in 1999 and 2000 on this drought, not accumulated fuels.

Protecting homes

The increasing number of homes in the wildland-urban interface is a second reason for high-

er fire suppression costs. The West has been the nation's fastest-growing region for at least two decades. The Federal Emergency Management Agency (FEMA) estimates 38 percent of the homes built in the West are in the wildland-urban interface. The Forest Service has responded by spending extraordinary amounts of money to protect homes.

There's no doubt the Forest Service is spending more money to protect homes, but even this problem may be exaggerated in much of the West. During the 1990s, the vast majority of homes burned by wildland fire were in

California, and most of those were built near chaparral forests in the central and southern regions of the state.

While chaparral fires are a problem, they don't justify spending billions of dollars to protect every rural home in the West. Wildland fire is responsible for less than 0.2 percent of all structures damaged or destroyed by fire each year. So few homes in the wildland-urban interface are lost to fire that the insurance industry can't generate enough data to justify discounts to homeowners who fireproof their homes with non-flammable roofs and landscaping.

Blank checks lead to counterincentives

A third reason for increased firefighting costs is incentives. In 1908, Congress gave the Forest Service a blank check to put out fires. This led many firefighters to joke, “The Forest Service fights fires by dumping money on them.” But in 1975 the Office of Management and Budget (OMB) started pressuring the Forest Service to control its fire costs.

Congress helped by repealing the blank-check law in 1978. In the 1980s, instead of giv-

INCENTIVES continued on next page



photo/www.nifc.gov

INCENTIVES continued from page 11

ing the Forest Service a blank check, it gave the agency a fixed amount for fire suppression each year—usually \$125 million—and expected the agency to cover deficits from bad fire years out of the surpluses from good years.

That worked until the back-to-back “siege of 1987” and “Yellowstone (and Alaska) fires of 1988.” The Forest Service spent \$722 million fighting fires in those two years, dipping into Knutson-Vandenberg (K-V) reforestation dollars to cover the deficit. Congress responded by upping the annual fire suppression appropriation to \$375 million. The Forest Service begged and pleaded until Congress finally paid back the K-V fund out of tax dollars in 1990.

After this episode, the Forest Service returned to its blank-check perspective. Technically, Congress still gives the Forest Service a fixed amount of money for fire fighting. But if costs exceed that amount, the President can authorize the Forest Service to spend more out of an emergency contingency fund. Of course, the President rarely says “no” to the Forest Service, which has drawn on this contingency fund every year since 1993.

When its check-writing hand was tied by Congress and the OMB, the Forest Service spent an average of \$163 million per year on fire suppression in the 1980s. With those constraints removed in the 1990s, per-acre suppression costs grew by 35 percent, even after adjusting for inflation. Most of the increase seems due to the change of incentives rather than to weather, the wildland-urban interface, or built-up fuels.

An extravagant waste

If data on acres burned, lives lost, and dollars spent doesn't support the accumulated fuels theory, what does? No measurements of fuel accu-

mulation exist. While top government officials blame recent fires on fuels, all of the on-the-ground reports I've read focus on the weather.

There might well be a build-up of fuels, but that problem isn't as important as the popular story has led us to believe. Incentives are much more important than any other factor, even the weather. Congress is wrongly focused on treating fuels, when it should focus on fixing incentives.

After the Cerro Grande fire burned 200 Los Alamos homes to the ground in 2000, Congress began a firestorm of spending on anything to do

ed to treat the 70 million acres of federal land at high risk of fire due to past fire suppression and accumulated fuels. Because the fire risks are so high, they often don't dare use prescribed fires and instead must thin or otherwise mechanically treat these acres, a more expensive approach.

As a result, the Forest Service is treating only 2.0 to 2.5 million acres a year, which means it will take at least 30 years to treat all condition class 3 acres, by which time many of the 140 million acres currently rated moderate fire risk will have developed into a high-risk condition.

The Forest Service says it focuses on high-priority acres, such as lands in the wildland-urban interface. But spending hundreds of dollars an acre treating federal lands near private homes will not guarantee the safety of those homes in an extremely severe fire year. On the other hand, their safety *can* be guaranteed by homeowners fireproofing the homes with non-flammable roofs and landscaping.

According to Forest Service fire researcher Jack Cohen, homes and other structures will burn only if they have flammable roofs or if there is burn-

“Since 1960, the five-year average of acres burned has fluctuated between 2.7 and 5.3 million acres depending on the drought cycle.”

able vegetation or other fuels within 140 feet of the structures. Just one or two acres around each home—not thousands of acres of federal lands near homes—require treatment. Instead of treating its own lands, the federal government could share the costs of treating private homes, and then let fires on the federal lands burn.

Presuppression inefficiencies

Instead of letting fires burn, however, Congress has nearly quadrupled presuppression costs. Presuppression or preparedness refers to the

“[T]he Forest Service's NFMAS model ... is strangely insensitive to resource losses. Even if the resources being protected from fires were worth nothing, the model would propose about the same most efficient level of presuppression costs.”

with fire; presuppression, suppression, hazardous fuel treatment, research, and assistance to states and local communities. The agencies dignify this spending by calling it the National Fire Plan, but it is really just an even more extravagant case of dumping money on fires.

Federal land fire budgets had already grown from a few hundred million a year in the early 1990s to \$1.5 billion in 2000. But the National Fire Plan nearly doubled the budgets again, to \$2.9 billion in 2001. The Park Service, Bureau of Land Management, and other Interior Department agencies got some of this money, but the Forest Service spent two-thirds of it.

Budgets for treating hazardous fuels have grown from about \$20 million a year in the early 1990s to \$400 million a year today. The Forest Service and other agencies say the funds are need-

cost of having firefighters, aircraft, and other equipment and supplies on standby for when fires break out. In the early 1990s, the Forest Service's presuppression budget averaged \$165 million a year. Today it is \$620 million. Adding Interior Department agencies brings the total to more than \$900 million a year.

Since 1980, the Forest Service has tried to convince Congress that increased spending on presuppression would reduce total fire costs. Having more crews on standby, the theory goes, allows the Forest Service to suppress more fires more quickly at a lower cost. The Forest Service supported that theory with the National Fire Management Analysis System (NFMAS), a computer model Forest Service officials claimed calculated the most efficient level (or MEL) of presuppression funding.

FOR MORE INFORMATION

WWW O'Toole's *Reforming the Forest Service* is available through Amazon.com. Point your browser to <http://www.amazon.com/exec/obidos/ASIN/0933280459/theheartlandinst>.

Congress was never really convinced, however. It typically appropriated to the Forest Service only 70 to 80 percent of MEL for presuppression. Since the 2000 fire season, however, Congress has been giving the Forest Service 100 percent of MEL. By an amazing coincidence, the Forest Service's MEL calculations have doubled, from about \$300 million a year in the mid-1990s to more than \$600 million a year today.

The increase in presuppression funding hasn't fulfilled the promise of reducing firefighting costs: Though 2001 was a relatively mild fire year, with less than the average number of acres burned, the agencies spent \$151 an acre on suppression. In 1997—when about the same number of acres burned but the Forest Service was funded at about 80 percent of MEL—the agencies spent just \$44 an acre (adjusted to 2001 dollars) on suppression.

Let it burn

Why not let some fires burn? If suppressing fires has been so expensive, and has permitted a fuel build-up, wouldn't it be better simply to not suppress some of them? And if we let some fires burn, couldn't we spend less on presuppression and suppression?

Under a 1995 fire policy approved by the secretaries of Agriculture and Interior, federal land managers can allow fires to burn—they call it “wildland fire for resource use”—only if (1) they have written an approved fire management plan; (2) that plan allows fire for resource use; (3) the fire meets conditions specified in the plan; and (4) the fire was started by natural causes.

As of March 2002, the Forest Service had completed fire management plans for just half of its forests. Few, if any, of those plans allow fires to burn outside of large wilderness areas, effectively excluding more than 80 percent of the National Forest System. Since 88 percent of fires are human-caused, managers can allow no more than about 1 percent of all fires to burn.

The actual figure is even smaller. In recent years, federal managers have allowed only about 0.3 percent of fires to burn, and those fires have covered only about 2 percent of total burned acres.

So it is not surprising the Forest Service's NFMAS model presumes all fires will be suppressed. In fact, although the model is supposed to calculate the value of resource losses as well as presuppression and suppression costs, it is strangely insensitive to resource losses. Even if the resources being protected from fires were worth nothing, the model would propose about the same most efficient level of presuppression costs.

Lately, it seems the federal land resources being protected from fires *are* worth nothing. Timber was the resource whose value the Forest Service traditionally plugged into the NFMAS model, but national forest timber sales are down by more than 80 percent from pre-1991 levels. Most other resources aren't really harmed by fire, and many benefit. It is true that really bad fires can fry soils

INCENTIVES continued on next page

INCENTIVES continued

and lead to erosion, but the Forest Service hasn't ever proven it can stop those fires.

If resource values don't change NFMA results, the model is little more than a scam to get more money from Congress. Yet the Forest Service used NFMA to convince Congress to fund 50 percent more firefighters, hundreds of new fire engines, dozens of aircraft, and scores of new firefighting facilities. And what do we get for it? More fire suppression, which is supposed to be the opposite of what the forests need.

Fuel not the problem

Is there any scientific support for the fuels theory? Recent Forest Service fire documents and papers in scientific journals repeatedly point to one publication in support of the fuels theory: a report concluding that, because of past fire suppression efforts, "vegetation has accumulated, creating high levels of fuels for catastrophic wildfires and transforming much of the region into a tinderbox." Who issued the report? The General Accounting Office.

The people at the GAO are accountants, not fire ecologists. Even the Forest Service thought the report was misleading, saying that changing firefighting strategies, not increased fuels, were responsible for recent increases in acres burned.

The GAO blamed the deaths of 14 firefighters in the 1994 South Canyon fire on excessive fuels. But, as the Forest Service pointed out, "The South Canyon Fire was in oak/brush type vegetation and is not representative of the short fire interval, long needle pine vegetation of the interior western forests. Excessive fuel loading on the South Canyon Fire was not a causal factor."

Forests characterized by short-interval, low-intensity fires are most susceptible to fuel build-up and best treated by reducing fuels. According to a recent paper by Forest Service fire researchers, only about one-third of the nation's wildlands, most of them located in the Deep South, fall in this category. In the West, two-thirds of the lands are ecologically adapted to stand-replacement fires, and another 15 to 20 percent are adapted to mixed-severity fires.

This means spending billions of dollars on fuel treatments will be no more effective than spending billions of dollars on presuppression to stop western wildfires. Fuel treatments are important in the South, where most forests are on a short-interval, low-intensity fire cycle, but in the West fuel treatment efforts are as much a chimera as NFMA and MEL.

Real ecological danger lurks in all this wasted money. With few incentives to do otherwise, the Forest Service is likely to spend its bounty from Congress on practices that will prove just as harmful in the long run as fire suppression. As it has already done in the South, the Forest Service may try to convert western forests adapted to severe fires to forest types adapted to low-severity fires. Or it may impose fires at fixed intervals of, say, 25 years on forests adapted to varying intervals of perhaps five to 50 years. Either approach will reduce forest diversity.

A long history of fraud

The fuel treatment myth is just the latest in the Forest Service's century-long history of misleading Congress to gain bigger budgets and more power. As Ashley Schiff documented in his 1962 book, *Fire and Water*, to convince Congress to pur-

chase national forests east of the Mississippi, fund western forests, and give the agency more authority over private lands, the Forest Service suppressed and ignored its own research, demonized researchers in other agencies, and knowingly lied about fires and flooding.

After 1950, the Forest Service bragged for decades that it was one of few government agencies to earn a profit. But its "profits" were based mostly on Enron- and WorldCom-like accounting tricks. Like Enron, it counted receipts that weren't really there, such as the cost of roads built by timber purchasers. Like WorldCom, it treated operating costs as capital costs. More daringly than either Enron or WorldCom, it amortized certain capital costs over hundreds of years and in some cases over eternity (effectively zeroing them out).

After correcting for these accounting tricks, the Forest Service did earn a profit: in 1969, and in four or five years in the early 1950s. Otherwise, it has cost taxpayers hundreds of millions to billions each year.

From 1950 through 1990, the Forest Service

"In the early 1990s, the Forest Service's presuppression budget averaged \$165 million a year. Today it is \$620 million."

supported its timber program on a web of misleading statements and data. It said Douglas fir and other forest types "needed" clearcutting to regenerate (they don't). It said it could sustain 12 billion board feet or more of timber cutting forever (it couldn't). It said timber cutting benefited most recreation and wildlife (only those kinds not in short supply). Though national forest timber sales have fallen by 82 percent, Congress is still giving the Forest Service nearly as much money as ever for timber management.

Compared with fire, timber is small potatoes.

"After 1950, the Forest Service bragged for decades that it was one of few government agencies to earn a profit. ... More daringly than either Enron or WorldCom, it amortized certain capital costs over hundreds of years and in some cases over eternity (effectively zeroing them out)."

Even in its heyday, timber never contributed more than about \$900 million a year to the Forest Service budget. Fire added more than \$1.9 billion to the Forest Service's 2001 budget, and it will probably be more in 2002. Mainly because of fire, the Forest Service's budget jumped nearly 50 percent in 2001.

I like the Forest Service and I respect the people who work for it. But one of the most important jobs of a bureaucracy is to filter information, and the bureaucracy can always be counted on to filter the information in a way that benefits the bureaucracy. Everyone in the bureaucracy can be perfectly honest, yet the bureaucracy itself can't be trusted to tell the truth when it is rewarded for spending more money.

Fire is a perfect example. For years, the Forest Service told Congress it could scientifically man-



photo/www.nifc.gov

age the national forests if Congress gave it millions of dollars, and then hundreds of millions, for fire suppression. Now the Forest Service admits fire suppression was an unqualified failure—so Congress rewards it for that mistake by giving it billions more.

Decentralization benefits

If the fuel story is only a myth, why do so many groups believe it? The answer is that it fits their agendas.

The Forest Service, of course, uses the fuel

urban interface fireproof their structures. The rest of the fire-related funding should dry up, and Congress should instruct the federal agencies to "Let the fires burn."

In a few years, most forests would experience fires at rates not too different from the rates they experienced a hundred or so years ago. This approach will save billions of dollars, but letting all fires burn might not be the best ecological answer. • The decentralized solution is for Congress to turn forests into self-funding units. The managers of each unit would have to decide, based on available revenues, how much fire protection they could afford. Some forest managers might let most fires burn. Others would put out some fires and would rely on insurance for the worst fire years. Congress could create appropriate safeguards, such as dedicating a share of forest revenues to non-market purposes, to make sure those resources are protected. Such safeguards don't exist today.

Because it will fit solutions to the land rather than to whatever myth happens to hold Congress in its grip at the moment, decentralization will protect the environment better than any centralized process. Some timber will be cut, but without government subsidies less timber will be cut than in the past. Recreation fees will go up, but the people paying those fees will know they are giving managers incentives to protect the things they value.

Environmentalists and commodity interests should stop bickering and work together to end a century of mismanagement by misincentives. Only then will the national forests be truly managed for the people, and not just for the bureaucracy that is supposed to protect them.

Randal O'Toole (rot@ti.org) is senior economist with the Thoreau Institute (www.ti.org) and author of *Reforming the Forest Service*.

Wrong-headedness killing the forests

BY WILLIAM PERRY PENDLEY

When the Hayman Fire—the largest wildfire in Colorado history—first began, the smoke billowed over my office in southwestern Denver. Outside, I could smell the fumes from flames 50 miles away. Worst yet, I could see the ash in the air!

The night before, as my wife and I stood on our deck in the foothills west of Denver, we had smelled smoke and feared a fire was nearby. It wasn't; what we smelled were the beginnings of the Coal Seam Fire some 110 miles west in Glenwood Springs.

A few days later, when I called a sheep rancher in Bayfield, I was told he had gone to protect his flock; the Missionary Ridge Fire was out of control near his grazing allotment.

Then, one of my attorneys was summoned home; the Hayman Fire was wildly out of control, moving much too fast toward Denver's southwestern suburbs.

My attorney was not the only one trying to figure out what he should load into his car if the reverse 911 system rang his phone and he heard the recorded message every westerner fears: "Get out!" Today, the most frequent topic of conversation in the rural west is what to take and what to leave behind if and when the fires come. Storage facilities anywhere near timber country are quickly filling up as homeowners realize all they value will not fit in their cars, fully loaded with gas and backed into their garages or up their driveways.

Taking matters into their own hands

Westerners are also doing something else. The

hills are alive with the sounds of chain saws as landowners cut away low-lying branches and fell dead trees, and the roar of mowers as owners cut bone-dry native grasses. Those with trucks are loading them with raked-up pine cones, needles, and the other slash that usually dots the landscape, hauling it off to county collection points. Those without trucks or friends from whom to borrow them are bagging up the debris and stacking the porcupine-looking bundles at their front gates.

There is some great irony in what these homeowners are doing. For years and years, their neighbors have refused to do what everyone knows must be done to limit the destructive force of wildfires. No, it is not their human neighbors who have failed to perform this essential task; it is their federal government neighbors: land management agencies like the National Park Service, the U.S. Forest Service, and the Bureau of Land Management.

The federal agencies have been aided, abet-

"Armed with hundreds of millions of dollars in annual donations, environmental groups have bought stamps—and lawyers—to file appeals and lawsuits to halt the pursuit of forest health on our nation's public lands."

ted, and encouraged in their negligence. As one Forest Service official said amidst the national disaster that is Arizona's wildfires, "It only takes one person with a stamp to throw a wrench into the works [of thinning the forest]."



"The hills are alive with the sounds of chain saws as landowners cut away low-lying branches and fell dead trees ..."

Armed with hundreds of millions of dollars in annual donations, environmental groups have bought stamps—and lawyers—to file appeals and lawsuits to halt the pursuit of forest health on our nation's public lands.

not us, it's the weather!"

There is little that can be done about the head cases who set fires, like the sad soul who started the Hayman Fire, the sicko who lit more than 15 fires along U.S. 285 south of Denver, or the slack-jawed idiots who keep tossing cigarettes or torching campfires despite warning signs every half mile and acrid smoke billowing overhead.

But we can do something about the wrong-headedness that creates as national policy a point of view that wildfires are "nature's way" and the proper prescription for western forests. That may sound dreamily sensible in a Starbucks in Washington, DC, but from where I sit amidst the burning forests of Colorado, it is not just insane, it is inhumane.

William Perry Pendley is president and chief legal officer of the Mountain States Legal Foundation.

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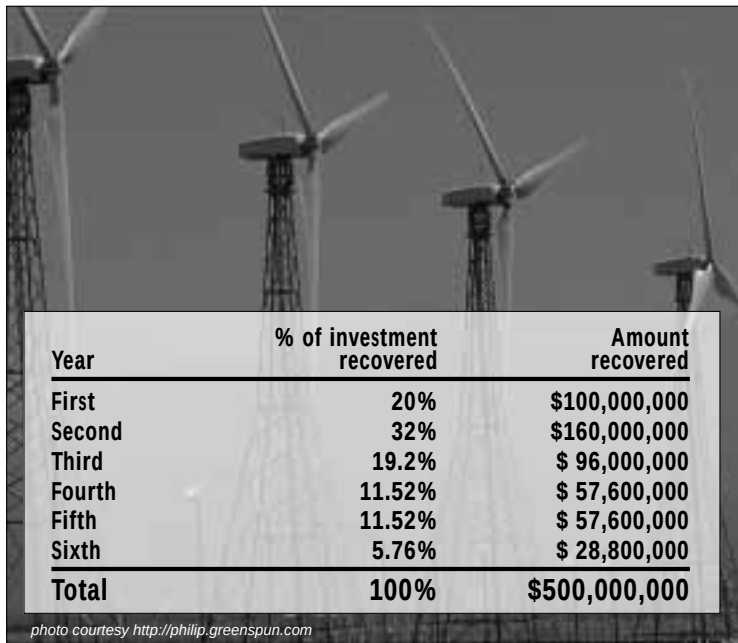
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- Assume the developer agrees to pay landowners \$5,000 per year per MW of rated turbine capacity. Each year, all landowners together in North and South Dakota would receive a total of 480 times \$5,000, or \$2,400,000.
- Wind farm developers acknowledge that electricity produced by wind turbines costs more than electricity produced by traditional energy sources. That's why they insist on special treatment—that is, massive subsidies—from federal and state governments. Assume wind-generated electricity costs just two cents per kilowatt-hour (kWh) more than electricity produced from other energy sources. (That's almost certainly a conservative estimate.)
- If the wind turbines produced electricity at 100 percent of their maximum rated output for 24 hours per day, 365 days per year, they would produce a total of 4.20 billion kWh (480,000 kW times 8,760 hours per year = 4,204,800,000).
- But wind turbines produce electricity only when the wind is blowing within certain speed ranges. Assuming the turbines have an average capacity factor of 30 percent (i.e., their actual output equals 30 percent of the theoretical maximum), the annual output of the North-South Dakota turbines would be 1.26 billion kWh per year (.30 times 4,204,800,000).
- The electricity from the wind turbines, then, would cost \$25.2 million more, every year, than electricity generated by conventional sources (\$0.02 per kWh times 1,261,440,000 kWh).
- Consumers will pay \$25.2 million more every year for the higher-cost electricity from the wind farms, while the host farmers will be paid \$2.4 million: roughly 9.5 percent of the extra financial burden on electricity consumers.

Not only will consumers pay more than 10 times as much as host farmers will benefit, but the region's economy as a whole will likely suffer:

- If the wind developer is from outside North or South Dakota, the net dollar outflow could be as much as \$22.8 million: \$25,228,400 minus \$2,400,000. That negative impact on the state economies could, of course, be avoided if the

wind-generated electricity is exported so that some other state's residents pay the extra costs.

Incidentally, while an annual electricity production from wind turbines of 1.26 billion kWh may sound like a lot, it's just 3 percent of the year 2000 electricity production in North and South Dakota, which totaled 41.0 billion kWh.

Windfall for wind farm developers

If North and South Dakota go ahead with the wind farm proposal, landowners should not be bashful about negotiating sizeable annual payments from the developers.² Global Winds Harvest and UPC Wind Partners will themselves see handsome profits thanks to the federal income tax shelters available to them:

- First, they can recover their total capital investment very quickly, because wind energy facilities are eligible for "five-year double declining balance accelerated depreciation" for federal income tax purposes. (See IRS Publication 946.) Recovery of the \$500,000,000 investment the developers claim they would make in the proposed North Dakota-South Dakota wind farms is shown in the table above.
- The entire investment can be recovered through depreciation charges to offset income tax liability in just six years. The owners and shareholders of Global Winds Harvest and UPC Wind Partners will see an infinite return on equity thereafter.
- Second, the wind farm developers are eligible for a federal Production Tax Credit of \$0.017 for each kWh of electricity produced during the first 10 years of the project. If the wind turbines generate the 1.26 billion kWh estimated above, the wind farm owners will receive an additional tax credit of \$21.4 million per year.

These subsidies are, of course, in addition to any revenue the wind farm owners will receive from consumers who purchase the electricity produced by the wind turbines.

To obtain the full benefit of the federally provided tax shelters, the owners must have income to shelter from federal taxes. For this reason, it is not unusual for small companies that develop wind farms to sell them to large companies. Precisely that has happened with several existing wind farms. Alternatively, ownership could be

Will UK get towers of power... or a load of hot air?

BY S. FRED SINGER

As part of its commitment to tackle climate change by reducing greenhouse gas emissions, the British government wants renewable energy to provide 10 percent of the U.K.'s electricity by 2010 and 20 percent by 2020. Wind power is targeted to provide about 5 percent by 2010; it currently provides 0.4 percent.

The British government has heavily subsidized the development of onshore and offshore wind. There is also a hidden subsidy that will oblige electricity companies to buy 10 percent of their power from renewable sources at a guaranteed premium.

Wind turbines produce no electricity when the wind does not blow, or when it blows too hard (both common in winter). When the right kind of wind does blow, electricity companies are obliged to buy the power, whether they need it or not. There is no way to store wind-generated electricity.

To meet the government's targets for wind power, the BWEA estimates Britons will have to install a 100 meter-high wind turbine every day until 2010. Geoff Sinclair, of the Campaign for the Protection of Rural Wales, believes it will require a 120 meter turbine every quarter of a mile from Land's End to John O'Groats—plus a 150 meter-high offshore turbine every 2.5 miles of open seacoast.

The actual output of wind farms averages about 30 percent of their capacity. Thus, the 39 1.5-megawatt turbines planned for Cefn Croes—which will be Europe's biggest wind farm—could have an effective though unpredictable capacity of about 17.5MW.

By comparison, a typical large fossil fuel power station might have a capacity of about 2,000MW, and operate at up to 90 percent of that. The U.K.'s largest, the coal-burning Drax power station in Yorkshire, has a capacity of 3,870MW.

Denmark is held up as the pioneer of wind power, which accounts for about 18 percent of its electricity. Yet, following a change of government, the Danes are now reining in their commitment to the wind industry, partly because of the cost of subsidies and partly on the grounds of unreliability.

S. Fred Singer is professor emeritus of environmental sciences at the University of Virginia and president of the Science and Environmental Policy Project. Singer's The Week That Was columns can be found at www.sepp.org.

"To meet the government's targets for wind power ... the Campaign for the Protection of Rural Wales believes it will require a 120 meter turbine every quarter of a mile from Land's End to John O'Groats—plus a 150 meter-high offshore turbine every 2.5 miles of open seacoast."

Wind power, according to the British Wind Energy Association (BWEA), is a natural and renewable energy source that produces no harmful emissions or waste products. By displacing energy that would otherwise be generated from fossil fuels, it claims, U.K. wind turbines "currently prevent the emission of more than a million tons of CO₂ each year." Others strongly dispute the extent to which energy production contributes to harmful climate change.

divided up into smaller entities to provide "doctor and dentist-sized" tax shelters.

While developers tout the economic benefits of wind, the citizens of North and South Dakota would do well to ask into whose pockets those benefits flow.

Glenn R. Schleede is semi-retired after spending more than 30 years on energy matters in the federal government and private sector. Schleede can be reached at Energy Market & Policy Analysis, Inc., Reston, Virginia.

NOTES

1 Articles on the Enron-FPL Energy Manfort wind farm and the proposed Addison wind farm in Wisconsin suggest payments of \$5,000

and \$10,000. See www.jsonline.com/news/OzWash/mar00/wind13031200a.asp; www.jsonline.com/bym/News/oct00/wind19101800a.asp; http://www.doa.state.wi.us/depb/boe/pdf_files/governor_energy_plan.pdf, p. 36; and www.jsonline.com/news/OzWash/mar00/wind13031200a.asp. For example, a former FPL Energy project manager stated that "the fee was about \$10,000 per turbine, up from the initial offer of \$2,500."

2 Landowners may also want to require that wind farm developers set aside money in some kind of trust account to cover the not-insignificant cost of removing the structures in the future. Wind farm developers may be tempted to abandon the turbines once subsidies run out and maintenance costs rise.



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consumer choice, and little impact on global warming. Support for AB 1058 among legislators disappeared as constituents learned more about the few advantages and many disadvantages of the bill.

Supporters of carbon dioxide curbs did not, however, throw in the towel with the defeat of AB 1058. Learning their lessons about the high cost of public debate, predominantly Democratic lawmakers employed a secretive, backroom political process reminiscent of Tammany Hall.

On Friday, June 28, supporters of AB 1058 hijacked an unrelated bill, AB 1493, gutted it of its major provisions, and inserted the unpopular AB 1058 mandates in their place. The bill was rushed to the California State Senate, where it was approved quickly and quietly, without discussion or debate.

The next business day, Monday, July 1, the bill was presented to the lower chamber, the California State Assembly, where it was referred to the Democrat-controlled Transportation Committee. The committee immediately approved the bill and then sent it to the Assembly floor under a special procedure that allows bills to be brought to the floor without public notice. The bill was immediately passed, by a single vote, by the full Assembly before the public could offer the same input and demand the same accountability that caused the defeat of AB 1058.

In less than two days, an unpopular and seemingly dead piece of legislation was whisked through the legislature before California's citizens could make their voices heard. Governor Davis sat on the bill for three weeks before signing it on July 22.

"It's interesting how the Democrats talk of honor and the integrity of the House, and then they run through this bill very fast," said Assemblyman Tim Leslie. "Why rush? We didn't even hold a proper hearing on it. It wasn't in the open; it was in a closed room that was inaccessible to the general public.

"I'll tell you why they did it this way," Leslie continued. "It was so the public wouldn't have a chance to make their views known. This was sneaky, underhanded, and not the way we should conduct business in this state."

"The California Legislature, controlled by Democrats, just pulled a stunt that makes the corporate bigwigs of Enron, WorldCom, and Global Crossing look like pikers," added Larry Weitzman, a free-market environmentalist with Tech Central Station. "Environmental extremists will simply not be deterred by democratic processes and care little about the wants, needs, and interests of average voters."

Legislature ducks for cover behind Air Board

Unwilling themselves to set the requirements of the new law, the legislature gave the California Air Resources Board (CARB) authority to establish specific CO₂ reduction mandates. The new mandates must be in place by the 2009 model year.

"I don't think that decision should be made by a five-member appointed body," said Assemblyman John Dutra (D-Fremont). "It's a decision that could have a serious economic impact."

In passing responsibility for the new mandates to CARB, the legislature took political cover by forbidding CARB to require such unpopular measures as higher gasoline taxes, new taxes on miles

driven, or mandatory reductions in vehicle size.

A high price to pay

Nevertheless, the end result will likely be reductions in vehicle size, whether or not CARB explicitly mandates such reductions. CO₂ emissions can be reduced in one of two ways: by implementing expensive, performance-impairing new technologies, or by increasing fuel mileage by making vehicles lighter and less safe. Neither approach is popular with car buyers, but the second approach appears to be the lesser of two evils.

The automobile industry has responded to current and anticipated fuel efficiency mandates by investing billions of dollars in fuel efficiency research. Even so, the Toyota RAV4 illustrates the tremendous costs involved in creating a fuel-efficient larger vehicle.

The RAV4, even in its unmodified form, is something of a lightweight among sport utility vehicles. Its size and weight pale in comparison to SUVs made by American auto manufacturers and demanded by American consumers. However, the RAV4's already-moderate size and weight made it a logical candidate for Toyota to modify with a less-powerful electric engine that

"Learning their lessons about the high cost of public debate, predominantly Democratic lawmakers employed a secretive, backroom political process reminiscent of Tammany Hall."

could meet the emissions and fuel-efficiency demands of auto industry critics.

Toyota replaced the engine of the standard RAV4 with an electric battery. Other vehicle alterations, needed to maximize performance and efficiency with an electric battery, were also made.

Whereas the typical RAV4 has a starting price of \$17,000, the electric version of the vehicle sells for \$42,000 ... and even that price tag is misleading. "We lose large amounts of money on every EV [electric vehicle] we sell," says Mike Love, Toyota's national regulatory affairs manager. "They cost us in excess of \$100,000 apiece to build."

"I remember I had a meeting in Tokyo where they showed me all the cost of this stuff," said Carlos Ghosn, chief executive of Nissan. "I said, 'Oh my God, the others have to do this too?'"

For a consumer cost of \$42,000 and a manufacturing cost of more than \$100,000, the electric RAV4 still carries unavoidable inconveniences: short driving range on a single battery charge and long charging times between trips.

Downsizing inevitable

The technology simply does not exist that would allow current car sizes to meet the efficiency and emissions requirements of California's new law. The only feasible alternative is for automobile manufacturers to produce lighter, less powerful, and less collision-worthy vehicles. Although the California legislature told CARB it may not mandate such unpopular reductions in vehicle size, safety, and performance, elected officials have been well aware for many years that smaller vehicles are the only feasible option left open to auto-

CALIFORNIA continued at right

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"Pavley's Ploy" may carjack motorist choice

BY KENNETH GREEN

How bad is the California auto emissions bill? ... Let me count the ways.

California's war on sport utility vehicles shifted into high gear with the back-room passage of a bill that commandeers consumer choice in automobiles under the largely fraudulent pretense of combating global warming. This is political carjacking at its worst.

Unable to pass federal fuel-economy regulations to stop people from driving the larger, more comfortable cars they want, environmentalists took their efforts to Sacramento.

A bill by Assemblywoman Fran Pavley (D-Agoura Hills) was the car haters' vehicle of choice, because anything affecting the huge California car market is likely to affect the rest of the country. The measure makes California the first state to regulate tailpipe emissions of greenhouse gases.

Unable to pass the bill through the normal legislative process, Pavley had its lan-

guage inserted into a nonenvironmental, technical bill sitting on the Senate floor and got it voted out of the Senate on a Saturday. Call it "Pavley's Ploy." The bill was signed by Gov. Gray Davis on July 22.

Pavley's Ploy is supposed to reduce California's emission of gases that some computer models hold responsible for global warming. But the numbers suggest Pavley's Ploy isn't about preventing global warming. It's about preventing you from buying that next truck or SUV, or driving as much as you want the one you already own.

According to government emissions data, California motorists produce less than one-quarter of 1 percent of the world's emissions of the gases theoretically linked to global warming. According to government computer models, about 80 percent of observed or predicted global warming is because of greenhouse gases, most of the rest being caused by changes in land use for farming, forestry, and so on. Whatever its other effects, when it comes to preventing global warming, this bill will provide virtually no benefit to future generations.

Auto emissions of carbon dioxide (the main greenhouse gas cars produce) can be

reduced in one of two ways: by reducing the amount of fuel those cars collectively burn, or by changing to a fuel that emits less carbon dioxide per unit of energy. Those goals can be reached only by mandating technology that would lighten and shrink cars, levying fuel taxes to reduce driving, adding per-mile driving fees to keep motorists off the road, or mandating "alternative fuel" technology such

"California's war on sport utility vehicles ... would commandeer consumer choice in automobiles under the largely fraudulent pretense of combating global warming."

as natural gas and electric-powered cars.

All those approaches have known failings, expose people to greater risk and deprive them of consumer choice, suck resources out of the economy, and sink those resources into bureaucratic paper-shuffling.

While climate change is still largely theoretical, the serious harm done by regulatory

approaches like these is a well-established fact. Not to put too fine a point on it, but forcing people into smaller cars will kill some of them. The National Academy of Sciences has acknowledged that lighter and smaller cars are inherently more dangerous. And no, that's not simply in collisions with SUVs. That's also true in accidents when some lightweight cars hit a guardrail.

Pavley's Ploy will also slow down the fight against the better-understood pollutants, such as ozone and particulate matter, because anything that raises the price of new cars reduces the single biggest positive force in easing air pollution: buying a new, less-polluting car.

Worse still, taking money out of people's pockets for higher fuel and automobile costs will mean less for other needs, such as education and health care.

The degradation of transparency in California's legislature is only the first harm Pavley's Ploy would foist on the public. Californians will be poorer and less safe for it.

Kenneth Green is chief scientist at the Los Angeles, California-based Reason Foundation.

CALIFORNIA continued

mobile manufacturers.

"They can call it what they want, but this is a fuel economy bill," said Eron Shostek, spokesperson for the Alliance of Automobile Manufacturers. "If this gets adopted, we'll have to make vehicles smaller, lighter, less versatile."

"Let's be clear about what this is," observed Shostek. "This is a state version of fuel economy standards."

The lobbying effort on behalf of the California bills appears to confirm Shostek's assessment. Senators John McCain (R-Arizona) and John Kerry (D-Massachusetts), cosponsors of failed federal legislation to impose more stringent fuel-economy restrictions on American automobiles, were recruited by AB 1058 and AB 1493 supporters to pressure fence-sitting California legislators to support the bills. Additional proponents of more stringent federal fuel-economy standards, such as former President Bill Clinton, actor Paul Newman, and Senator Joseph Lieberman (D-Connecticut), also lobbied hard for the California bills.

"Is California's bill about global warming or gas mileage?" asked Bill Becker, executive director of the State and Territorial Air Pollution Program Administrators, based in Washington, DC. "I don't know, but it will address both."

Shostek pointed out that consumers already have the choice of buying small, fuel-efficient cars. But the 10 most fuel-efficient cars in America combined represent just 1.5 percent of vehicles sold. People don't want to buy the kind of cars required by the new California law. "Consumers are going to be angry when they find they can't have the SUV, pickup, or minivan they want."



Federalism may void new law

The necessary, though implicit, requirement of the new law that automobile manufacturers reduce vehicle size and increase fuel economy is precisely where opponents of the new restrictions hold out hope.

The same logic would seem to apply to California's new carbon dioxide bill. End runs around issues reserved for the federal government will not be tolerated by the federal courts simply because state governments use indirect methods to preempt federal prerogatives.

"In less than two days, an unpopular and seemingly dead piece of legislation was whisked through the legislature before California's citizens could make their voices heard."

Under federal law, state governments are not allowed to preempt federal fuel-efficiency standards. After California passed an earlier law requiring zero or near-zero emissions on a significant share of automobiles in the state, a federal judge in June 2002 prohibited enforcement of the law, citing the same implicitly necessary fuel-economy results.

Is CO₂ a pollutant?

A related legal obstacle for the new law involves the question of whether carbon dioxide is a "pollutant." California may regulate CO₂ if it is a pollutant, but may not do so if CO₂ is not.

Carbon dioxide is a naturally occurring gas vital to life. It acts as a desirable and potent fertilizer for plant life. The higher the level of CO₂

in the air, the better plants and crops grow.

The argument that CO₂ is a pollutant is a rather indirect one. Global warming theorists contend CO₂ helps accelerate climate change. Some scientists believe a warmer climate may adversely affect human health. Accordingly, argue the proponents of the new law, carbon dioxide is a "pollutant" fit for state regulation.

"Global warming and carbon dioxide might be problems, but they aren't pollutants," countered Phil Isenberg, a former Democratic Assemblyman in California. "They aren't direct health threats."

Law could affect entire nation

The ramifications of the California law could be enormous.

Although it applies only within the state, "you can't make one car for California and another car for Washington, DC," observed AAM's Shostek. California accounts for 10 percent of all U.S. car sales each year, and the need for manufacturing efficiency makes it highly unlikely that two models of cars—one for most of the nation and another, lighter and less crash-worthy, for California—will be produced. As California goes, so, likely, goes the rest of the nation.

"California and the more 'environmentally conscious' states are setting national policy," said Professor Thomas Cahill, director of air pollution studies at the University of California at Davis. "They are going around the Congress."

"Next time California's legislators decide to walk off a cliff," said Jay Ambrose, director of editorial policy for the Scripps Howard Newspapers, "it would be nice if they left those of us who didn't vote for them out of it."

EDITORIAL



Opposing "urban sprawl" ... or opposing people?

BY JAMES M. TAYLOR

Pinellas County, Florida, is the "smart growth" lobby's dream.

"Smart growth" is the self-description of Europe-wannabe groups seeking to pack as many of us Americans into as little space as possible. Suburbs: bad. High-rise tenements: good. Backyards: bad. A single community park for the entire community's leisure and recreation space: good.

Of course, Europeans often have little choice but to live in high-density communities. We Americans, fortunately, do have a choice ... at least for now.

Postage stamp backyards

Pinellas County, a peninsula of land separating Tampa Bay from the Gulf of Mexico, has the highest population density in the State of Florida. It is more densely populated than Miami-Dade County, Broward County, and the North Miami Gold Coast. Real estate prices in Pinellas County are quite high, especially by Florida standards. The only way a middle-income couple has more than a postage stamp for a backyard is if their parents bought the land before air conditioning was invented.

Predictably, many Pinellas County families are looking to relocate to the Bay area outskirts, where land is relatively inexpensive, community facilities are new, and children can play in backyards rather than streets. This, however, would disrupt the smart-growth utopia, which in turn would upset the Europe-

wannabes. Unable to use their powers of persuasion to convince people to stay bottled up in Pinellas County, the smart-growth groups have taken to the courts.

Just south across Tampa Bay in Manatee County, the City of Bradenton hugs the beach while the rest of the county is undeveloped. If you're not in Bradenton, you're either petting a cow or looking around warily for alligators and poisonous snakes. The county is still 90 percent rural, and land is relatively inexpensive ... even though it is only a 30-minute drive from Tampa, St. Petersburg, or Sarasota,

"Europeans often have little choice but to live in high-density communities. We Americans, fortunately, do have a choice ... at least for now."

depending on which direction you go. This has become the perfect place for working-class Pinellas County residents to stake out a real backyard and a decent home.

Do anything, face a lawsuit

Unhappy that Manatee County will soon become merely 80 percent rural, smart-growth groups have begun suing at every opportunity. Build a house; face a lawsuit. Pave a street; face a lawsuit. Draw county water;



face a lawsuit.

The same applies north of Pinellas County. The western parts of Pasco and Hernando counties, still predominantly rural, have seen significant growth as lower- and middle-income families abandon Pinellas County. However, no interstate highway connects these communities to the jobs in Pinellas County. Accordingly, the stretch of U.S. 19 in northern Pinellas County is among the most congested in the state, and it consistently leads the state in traffic fatalities.

As local and state officials plan a tollway to connect the counties, the Sierra Club and various smart-growth groups have filed lawsuit after lawsuit to indefinitely postpone the new road. People should either stay in Pinellas County, argue the smart-growth groups, or pay for their decision to move by dealing with the burdensome commute to and from their new homes.

So people are killed and families are destroyed on congested U.S. 19.

Just what do they want?

Taking the smart-growth groups at their word, the construction of the new Wal-Mart on U.S.

19 in Pinellas County should be the most welcome news they've heard in quite some time.

As area buildings age and grow more dilapidated, Wal-Mart sold a well-worn store to a local church and built a brand new facility directly across the street. The store has now become a Super Wal-Mart, selling groceries as well as typical department store items. The parking lot is full day and night, and neighborhood residents no longer travel across town to do their shopping.

An upgraded business rejuvenating the most populous community in the state: a smart-growth dream, right? Guess again. The smart-growth lobby has filed a lawsuit alleging Wal-Mart is unnecessarily harming the environment with its new facility.

In a community where asphalt is as plentiful as corn in Iowa, constructing a new building harms the environment?

"You can't build in Pasco, you can't build in Manatee, and now you can't build *here*!!" exclaimed Wal-Mart shopper Mike Schafer in amazement. "Where *can* you build?"

"Are they really against urban sprawl, or are they simply against people?" wondered shopper J.J. Johnston.

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Diane Carol Bast, Editor
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- ☐ Lobbyist
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Are you a journalist who reports or writes about environment issues?

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